JURISDICTION

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.
- 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

COSTS

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

CAUSE FOR DISCIPLINE

(Out-of-State Discipline Against Respondent's Louisiana Nursing License)

- 8. Respondent has subjected her license to disciplinary action under section 2761, subdivision (a)(4) of the Code in that her registered nurse license was disciplined by the Louisiana State Board of Nursing. The circumstances are as follows:
- 9. On February 13, 2011, *In the Matter of Deborah Kaye Raye*, before the Louisiana State Board of Nursing (Louisiana Board), Respondent signed a Consent Order. In signing the Consent Order, Respondent admitted to the following Finding of Facts:
- a. On or about January 7, 2010, while working as a registered nurse, Respondent failed to meet standards of care when she failed to properly discharge a patient.
- b. On or about July 19, 2010, while working as a registered nurse, Respondent exhibited inappropriate behavior during a hospital shift change.
- c. On or about October 13, 2010, while working as a registered nurse, Respondent failed to verify blood products with another nurse and administered 85cc of blood to the wrong patient.
- d. On or about January 17, 2011, while working as a registered nurse, Respondent failed to administer antibiotics to a patient in a timely manner.
- e. On or about February 1, 2011, while working as a registered nurse, Respondent failed to meet standards of care when she failed to address and report a patient's critical low glucose level.
- f. On or about March 1, 2011, while working as a registered nurse, Respondent removed 10 mg. of morphine for a patient with an order for 5 mg. of morphine. Respondent failed to document the administration of the morphine in any hospital record, and did not document it wasted.
- g. On or about March 2, 2011, while working as a registered nurse, Respondent failed to give safe patient care when she failed to verify blood products with a nurse prior to its administration.

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- h. On or about March 4, 2011, while working as a registered nurse, Respondent failed to accurately document her handling of Dilaudid.
- i. On or about March 6, 2011, while working as a registered nurse, Respondent removed a 10 mg. dose of Dilaudid for a patient with an order of 6-8 mg. every two hours as needed for pain. At 17:37 hours, Respondent removed 10 mg. of Dilaudid, charted 6 mg. as administered, but failed to account for 4 mg. of Dilaudid. Over four hours later, Respondent removed 10 mg. of Dilaudid and failed to account for its administration in any hospital record, and did not document it wasted.
- j. On or about March 6, 2011, while working as a registered nurse, Respondent failed to administer pain medication in a timely manner (over an hour after the patient requested).
- k. On or about March 5 March 7, 2011, while working as a registered nurse,
 Respondent removed Dilaudid multiple times and kept the Dilaudid in her possession for one to five hours before administering it to patients.
- l. On or about March 18, 2011, while working as a registered nurse, Respondent was found in possession of a medication bin containing one unopened vial of morphine sulfate, one unopened vial of Ativan, one opened vial of morphine sulfate, one unopened vial of Zophran, one opened vial of magnesium sulfate, and an open 20cc bag of normal saline.
- 10. The Louisiana Board ordered Respondent's registered nurse license be suspended, effective February 17, 2012. The suspension was stayed and Respondent was placed on probation for two (2) years on certain terms and conditions which included that Respondent submit to a comprehensive inpatient psychiatric, psychological, and substance abuse evaluation, abstain from alcohol and all unprescribed mood altering substances, submit to random drug screens, abstain from any products that could result in a positive drug screen, and provide written authorization for the access of Respondent's prescription monitoring information.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- Revoking or suspending Registered Nurse License Number 604084, issued to
 Deborah Kaye Ray;
- Ordering Deborah Kaye Ray to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
 - 3. Taking such other and further action as deemed necessary and proper.

DATED: MARCH 19, 2013

LOUISE R. BAILEY, M.ED., RN

Executive Officer

Board of Registered Nursing
Department of Consumer Affairs

State of California

Complainant